

REMARKS

Claims 1-11, 13-30, and 32-35 are now pending.

The examiner objected to the drawings as not showing certain aspects of the claims. The drawings have been amended as suggested by the examiner. No new matter is added since the drawings show what was already described in the specification. It is respectfully submitted that the drawing amendments were not needed, but Applicant is complying with the examiner's suggestions to expedite the granting of a patent. Fig. 1 has been amended by incorporating the small square lamps 40 from Fig. 3 into Fig. 1. Fig. 2 has been amended by changing block 20 from "Border" to "Border LEDs." Figs. 5 and 6 are duplicates of Fig. 1 with some of the square lamp 40 blocks filled in to convey the selective illumination of the lamps 40 as described in the specification. The flowcharts of Figs. 7-11 identify steps from the claims and the specification. Fig. 12 illustrates a bank of gaming machines.

The minor amendments to the specification were made to address the changed and added figures. No new matter has been added.

The examiner rejected Claims 1-9, 12-20, 23-28, and 31-35 as being unpatentable over Brossard (U.S. Pat. No. 6,302,790) further in view of Forbes (U.S. Pat. No. 6,043,615). In the present Office Action, the examiner helpfully added new remarks on pages 3, 4, and 11 to address Applicant's last claim amendments. As will be seen, the examiner has not fully appreciated Applicant's previous claim amendments and has made certain remarks that do not apply.

The examiner relied on Brossard's Fig. 4B and its description in the patent for their teaching of fourteen backlights (bonus indicia 418) in a circle above the reel display (114) and surrounding a picture of Elvis Presley (416), where each backlight illuminates a bonus award icon (e.g., "50") in front of the backlight. In one embodiment, the bonus indicia 418 are sequentially unilluminated to resemble a record playing (col. 7, lines 22-25), and the illumination of a single one of the indicia 418 after the sequential unillumination identifies the award to be paid to the player (col. 7, lines 25-33).

In response to the previous Office Action, Applicant amended the claims to recite that the border lights "do not affect an outcome of the game." The pertinent limitation of Claim 1 reads,

a border at least partially surrounding the display, the border comprising a plurality of lamps of multiple colors, the lamps being selectively illuminated, pursuant to signals from the processing circuitry, to create a plurality of visual effects **that do not affect an outcome of the game and that change based on variable aspects of the gaming machine during operation.**

On page 4 of the present Office Action, to address Applicant's amendments, the examiner states that it would have been obvious to position Brossard's bonus disks 418 around the reels 114a-c. The examiner went on to indicate that Brossard's attract mode (col. 5, lines 50-52) would create the claimed "visual effects that do not affect an outcome of the game and that change based on variable aspects of the gaming machine **during operation.**" However, the attract mode is **only** active during periods when the gaming machine is **not** operating. According, **Brossard's attract mode has nothing to do with Applicant's Claim 1.**

The examiner also relied on Brossard's description of a brief period after a win when all the bonus indicia 418 are illuminated before being selectively unilluminated to identify a bonus (i.e., the outcome of the game). (See col. 7, lines 7-8, 20-35.) Simply illuminating all the bonus indicia 418 at the start of the bonus selection cannot suggest the above-quoted portion of Claim 1 since there is no selective illumination. Further, all of the illumination patterns of the bonus indicia 418 after the reels have stopped and after the full illumination are for the purpose of determining the outcome of the game. The indicia 418 must be initially lit in order to be sequentially unlit to select the bonus. **During the game, the sole purpose of the bonus indicia 418 being lit or unlit is to determine the outcome of the game. In Applicant's Claim 1, the border lights and visual effects produced by the border have no effect on the outcome of the game.** If the examiner wishes to propose an amendment to the claims to make this clearer, Applicant's attorney invites the examiner to call Applicant's attorney at the number presented at the end of this response.

Since neither example provided by the examiner of Brossard's "visual effects" meets the language of Claim 1, even if the bonus indicia 418 were distributed around the reels, Brossard cannot supply motivation for Applicant's Claim 1.

The examiner cites the Forbes patent for its teaching of colored lamps in a gaming machine, but the Forbes patent does not teach or suggest the arrangement of lamps and function of lamps recited in Applicant's claims.

Regarding dependent Claim 7, the examiner indicated that Brossard's attract mode activates lamps in the claimed "first manner" and that Brossard's bonus selection mode is activating lamps in the claimed "second manner." As discussed above, the attract mode does not occur "during operation" of the machine, as recited in Claim 1, and the bonus selection mode does not meet the limitations of Claim 1, where the visual effects do not affect the outcome of the game. Accordingly, Claim 7 is nonobvious for additional reasons.

Regarding Claim 8, the examiner indicated that Brossard teaches an attract mode of the lamps 418 (col. 5, lines 50-51; col. 7, lines 7-8), a losing mode of the lamps (no illumination), and a winning mode of the lamps. However, Claim 7 requires that the lamps be illuminated in a third manner if the outcome is a losing outcome. Since Brossard's losing mode involves no illumination, the losing mode cannot suggest Applicant's Claim 8. Additionally, Claim 1 precludes the attract mode and the bonus selection modes from being any of the claimed visual effects.

Claim 9 recites:

9. The gaming system of Claim 1 wherein the memory contains instructions for carrying out the following method performed by the gaming machine:

displaying a first screen of a game on a first portion of the display;

activating a first portion of the lamps in the border, wherein the first portion of lamps are adjacent to the first portion of the display;

displaying a second screen of a game on a second portion of the display; and


activating a second portion of the lamps in the border, wherein the second portion of the lamps is adjacent to the second portion of the display.

The examiner cites Brossard's top LCD display 422 as the claimed "second portion of the display" and the ELVIS lights 414 as the "second portion of the lamps." However, Claim 9 (in combination with Claim 1) requires the display to **display the game**. The animation of Elvis on the LCD screen is not a game, as required by Claim 9. According Claim 9 is patentable for at least the reasons given for Claim 1.

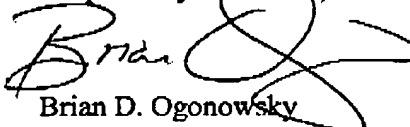
The independent method Claim 25 corresponds to the device Claim 1. As with Claim 1, the "display" of Claim 25 is for displaying a game. Brossard does not disclose border lamps around any display that displays a game. Other reasons for the patentability of Claim 25 are the same as those given for Claim 1. Accordingly, Brossard in combination with Forbes could not suggest Claim 25.

The remaining claims are dependent on Claims 1 and 25 and so are patentable for at least the reasons given for the patentability of Claims 1 and 25.

In view of the above arguments, Applicant respectfully requests allowance of all pending claims. Should the Examiner have any questions, the Examiner is invited to call the undersigned at (408) 382-0480 ext. 202.

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Respectfully submitted,


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